

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-1995

CAROLYN DELEON,

Plaintiff - Appellant,

versus

ENTERPRISE LEASING COMPANY, a/k/a Enterprise
Rent-A-Car,

Defendant - Appellee,

and

BRAD DANIEL; TERRY SANDERFORD; RICHARD RUSH,

Defendants.

No. 99-2505

CAROLYN DELEON,

Plaintiff - Appellant,

versus

ENTERPRISE LEASING COMPANY, a/k/a Enterprise
Rent-A-Car,

Defendant - Appellee,

and

BRAD DANIEL; TERRY SANDERFORD; RICHARD RUSH,

Defendants.

Appeals from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, District Judge. (CA-97-972-5-H)

Submitted: February 10, 2000

Decided: February 15, 2000

Before WIDENER and NIEMEYER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

No. 99-1995 dismissed and No. 99-2505 affirmed by unpublished per curiam opinion.

Carolyn DeLeon, Appellant Pro Se. Brian Edward Clemmons, YOUNG, MOORE & HENDERSON, P.A., Raleigh, North Carolina; Patricia M. McFall, MCMAHON, BERGER, HANNA, LINIHAN, CODY & MCCARTHY, St. Louis, Missouri, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Carolyn DeLeon seeks to appeal the district court's orders in No. 99-1995, granting summary judgment to Enterprise Leasing on her employment discrimination action; and in No. 99-2505, awarding court costs to Appellee Enterprise Leasing. We dismiss the appeal in No. 99-1995 for lack of jurisdiction because DeLeon's notice of appeal was not timely filed and affirm the district court's order in No. 99-2505.

Parties are accorded thirty days after entry of the district court's final judgment or order to note an appeal, see Fed. R. App. P. 4(a)(1), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's order in No. 99-1995 was entered on the docket on April 15, 1999. Although the district court granted an extension of the appeal period through June 16, 1999, DeLeon's notice of appeal was not filed until July 13, 1999. Because DeLeon failed to file a timely notice of appeal, we dismiss the appeal in No. 99-1995.

We also find that the district court's assessment against DeLeon of the reasonable cost of the preparation of Enterprise's

successful summary judgment motion was not an abuse of the court's discretion. See 28 U.S.C. 1920 (1994); 28 U.S.C. § 1920 (1994); Oak Hall Cap and Gown Co. v. Old Dominion Freight Line, Inc., 899 F.2d 291, 296 (4th Cir. 1990). Accordingly, we affirm the order in No. 99-2505 on the reasoning of the district court. See DeLeon v. Enterprise Leasing Co., No. CA-97-972-5-H (E.D.N.C. Oct. 14, 1999).

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

No. 99-1995 - DISMISSED

No. 99-2505 - AFFIRMED